

1 Repeal 2 Cal. Code Regs. Section 18944.1 to read:

2 **~~§ 18944.1. Receipt of the Gift: Passes or Tickets Given to an Agency.~~**

3 ~~Passes or tickets which provide admission or access to facilities, goods or~~  
4 ~~services, or other tangible or intangible benefits (including passes to motion picture~~  
5 ~~theaters, amusement parks, parking facilities, country clubs, and similar places or events,~~  
6 ~~but not including travel or lodging), which are provided to an official are not gifts to the~~  
7 ~~official whenever (a), (b), (c), (d), or (e) applies:~~

8 ~~(a) The donor gives the ticket or passes to the official's agency, through an~~  
9 ~~responsible official of the agency, for the sole purpose of distributing the passes or tickets~~  
10 ~~to officials of the agency and their spouses or immediate families and use of the tickets or~~  
11 ~~passes is so limited by the agency; and~~

12 ~~The tickets or passes are not earmarked by the donor for any specific officials of~~  
13 ~~the agency; and~~

14 ~~The agency retains a written public record of the terms under which the tickets~~  
15 ~~were accepted by the agency and the terms under which the tickets or passes were~~  
16 ~~distributed and to whom they were distributed.~~

17 ~~(b) The tickets or passes are provided to the agency for an event at a publicly-~~  
18 ~~owned facility under the jurisdiction of the agency and neither the agency nor any official~~  
19 ~~of the agency receiving or distributing the tickets or passes for the agency gives any of~~  
20 ~~the tickets or passes to any person who is not an official of the agency, or not the~~  
21 ~~official's spouse or immediate family member.~~

1       ~~(c) The ticket or passes are provided to the agency as part of the contract for the~~  
2 ~~use of the facility and the distribution and use of the passes or tickets are regulated by an~~  
3 ~~officially adopted policy of the agency.~~

4       ~~(d) The tickets or passes are provided to the official of the agency for use by the~~  
5 ~~official and his or her spouse and immediate family because the official has an official or~~  
6 ~~ceremonial role or function to perform on behalf of the agency at the event in question.~~

7       ~~(e) The tickets or passes are provided to the agency or officials of the agency for~~  
8 ~~use at an event at a publicly owned facility constructed or operated under the provisions~~  
9 ~~of a joint exercise of powers agreement and such agency is a party to the joint exercise of~~  
10 ~~powers agreement, and the distribution and use of the passes or tickets are regulated by~~  
11 ~~an officially adopted policy of the agency.~~

12 ~~NOTE: Authority cited: Section 83112, Government Code.~~

13 ~~Reference: Section 82028, Government Code.~~

14 Adopt 2 Cal. Code Regs. Section 18944.1 to read:

15 **§ 18944.1. Receipt of Tickets or Passes by an Agency.**

16       (a) Application of Regulation: This regulation applies to an admission to a  
17 facility, event, or function, (including a facility owned or leased by a governmental  
18 agency), for an entertainment, recreational, or similar purpose, provided to a government  
19 agency when an official in that agency uses the admission privilege.

20       (1) An official's use of the admission privilege includes both personal use and  
21 providing the use to another person.

22       (2) Unless an exception applies, an admission privilege that is earmarked for use  
23 by a specific official in the agency is a gift to that official.

1       (b) General Rule: Except as set forth in subdivision (c), the admission described  
2 in subdivision (a) is a gift to the official and the person who provides the admission  
3 privilege to the agency is the source of the gift. In addition, the government agency is an  
4 intermediary of the gift and is required to provide notification to the official under  
5 Section 87210.

6       (c) Exceptions. The admission is not a gift to an agency official if any of the  
7 following apply:

8       (1) The admission is provided solely for use by an agency official because the  
9 official has an official or ceremonial role or function to perform on behalf of the agency  
10 at the event in question and the official receives no food or beverages of more than a  
11 nominal value and no substantial entertainment or recreational benefit.

12       (2) The official appears at the facility, event, or function for the purposes of  
13 carrying out a primary, regular duty required as part of the standard job description of his  
14 or her employment classification, including duties related to health, safety, or operation  
15 of the facility.

16       (3) The official's only use of the admission privilege is distributing the admission  
17 privilege to a person outside the agency and the distribution is made pursuant to a written  
18 policy established by the agency that states a specified governmental or public purpose of  
19 the agency accomplished by the distribution of the ticket. The written policy shall be a  
20 public record, posted on the agency website and subject to inspection and copying under  
21 Section 81008(a).

22       (4) The government agency makes a payment for the admission privilege in the  
23 same amount charged to the public or, if the public is not offered the same admission

1 privilege, for the fair market value, and the payment is a lawful expenditure of public  
2 funds.

3 (d) The distribution of an admission privilege under subdivisions (c)(1) and (c)(3)  
4 shall be posted, on a form provided by the Commission, in a prominent fashion on the  
5 agency's website, within 30 after the distribution, and the posting shall include the name  
6 of the person receiving the admission privilege, a description of the event, the date of the  
7 event, the amount of the admission, and state the public purpose under which the  
8 distribution was made. If the agency does not maintain a website, the form shall be  
9 maintained as a public record and subject to inspection and copying under Section  
10 81008(a).

11 NOTE: Authority cited: Section 83112, Government Code.

12 Reference: Section 82028, Government Co